



Appeal Decision

Site visit made on 8 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th Appeal Decision

Appeal Ref: APP/W1525/W/21/3279156

Land North of Mill Road, Great Waltham, Chelmsford CM6 3PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Claire Benbrook against the decision of Chelmsford City Council.
 - The application Ref 21/00200/FUL, dated 28 January 2021, was refused by notice dated 19 April 2021.
 - The development proposed is the conversion of one existing building to a single residential dwelling and the conversion of one other building to an ancillary residential use with associated garden and landscaping.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Claire Benbrook against Chelmsford City Council. This application is the subject of a separate decision

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for a residential development; and
 - whether appropriate living conditions would be provided for the future occupiers of the development, with particular reference to internal space.

Reasons

Suitability of the site

4. The appeal site features some relatively small buildings. Near to the appeal site are several houses. Beyond the appeal site and nearby housing is open countryside. The surrounding road network can be broadly summarised as being relatively narrow, uneven in places, and lacking in street lighting.
5. By reason of the relatively limited service provision within the vicinity, it can be reasonably anticipated that the future occupiers of the proposed development would need to travel to other settlements in order to access the services, businesses and community facilities that they are likely to require on a day-to-day basis.
6. This raises a concern as the surrounding road network lacks separate environments for pedestrians and cyclists. This means that such users would

be compelled to travel within the road, sharing it with motorists. This causes a concern as the surrounding road network is relatively sinuous and unlit. Therefore, the development would result in increased potential for conflict between motorists, pedestrian and cyclists owing to a lack of visibility between different road users.

7. This, when combined with the distance that residents would need to travel, such journeys are unlikely to be made by methods such as walking or cycling. This would therefore encourage the use of motor vehicles as a means of accessing the services and facilities, residents are likely to require on a reasonably frequent basis.
8. My attention has been drawn to bus services that operate within the wider area. However, whilst they are present, the evidence before me is that the bus stops are some distance away from the appeal site.
9. In consequence, there would be a lack of convenience for potential passengers. This is in terms of accessibility to public transport as a lengthy journey would need to be made to the bus stop via a road network that is not conducive to movement on foot or by bicycle, combined with the relative infrequency of public transport provision.
10. In consequence, it is likely that local bus services would not be an adequate alternative for all journeys. In result, this would mean that the proposed development would result in an increased reliance upon private cars as the primary means of travel owing to a lack of suitable alternatives.
11. Although I understand that the Development Plan does not seek to prevent development in smaller settlements, the evidence before me indicates that the proposed development would not be a suitable location for a residential dwelling owing to the reliance upon private cars as a means of travel. This conclusion may not be applicable to other sites within the wider area.
12. I therefore conclude that the proposed development would be located in an unsuitable location. The development, in this regard, would conflict with the requirements of Policies S1 and S7 of the Chelmsford Local Plan (2020) (the Local Plan). Amongst other matters, these seek to focus development at the higher order settlements; and focus new housing to the most sustainable locations.

Living conditions

13. The proposed development is identified upon the submitted plans as being a single bedroom dwelling. However, the proposed plans or show a room identified as a home office.
14. Owing to the size of the room identified as a home office, it could potentially be used as a bedroom for it would be of sufficient size to accommodate the items of furniture normally expected within such a use, combined with the necessary circulation space.
15. In consequence the proposed development has the potential to be occupied as a family dwelling and potentially by a number of people for it could be used as a two-bedroomed dwelling. Therefore, the proposed development would be of such a size that it would not conform to the Nationally Described Space Standards.

16. I have given consideration as to whether it would be possible to impose a condition that would require the dwelling to be occupied and used in accordance with the details shown on the submitted plans. However, such a condition would require continual monitoring and therefore it would be questionable whether such a condition would be enforceable.
17. In result, the imposition of such a condition would conflict, in this regard, with the requirements of the National Planning Policy Framework (the Framework). This is relevant given that the Framework prescribes the statutory tests that cover the imposition of planning conditions.
18. Therefore, as it would not be possible to impose a condition regarding the occupation of the dwelling I must give consideration to the fact that it could potentially be used as a family dwelling. By reason of the limited size of the dwelling, residents of the proposed development would have insufficient space for the storage of everyday household items and matters of furniture.
19. Furthermore, the restricted amount of space would diminish the ability of residents to satisfactorily circulate the internals of the building and also to undertake the full range of household tasks. In reaching this view, I have regard to the fact that potentially the dwelling could be occupied by people of a significantly different age range. Therefore differing activities may need to be undertaken at the same time.
20. The proposed development would include some external storage space, within a separate building. However, this would be physically separate from the dwelling and would be accessed by leaving the dwelling crossing the properties of garden and accessing the storage space. This means that it would not be a particularly convenient option and could potentially not be used during periods of inclement weather or darkness. In result, this does not overcome my previous concerns as the lack of convenience would limit its effectiveness.
21. In addition, the submitted plans show that this building would be utilised for items such as the storage of refuse and cycles and would also include an electric car charging point. This means that the ability of this building to be used for an array of domestic activities is diminished.
22. My attention has been drawn to a previous appeal decision. However, this falls outside of the Council's area. In consequence, there are notable differences between this scheme and the proposal before me. In addition, the evidence before me indicates that there is a reasonable likelihood that the office could be utilised as a bedroom. This differs from the previously referenced appeal decision.
23. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of the development. The development, in this regard, would conflict with Policy DM26 of the Local Plan. Amongst other matters, this seeks to achieve appropriate internal space through adherence to the Nationally Described Space Standards.

Other Matters

24. The proposed development includes various items of planting that would take place elsewhere within the site. Whilst this is a matter of note, it is only one of all the matters that must be considered when assessing a proposed

development. It therefore does not overcome my conclusions in respect of the main issues.

25. The development would result in an increase in the local housing supply. Furthermore, the occupiers of the development would contribute to the local economy and would pay Council tax. These are matters which weigh in favour of the proposed development. However, the benefits arising from the development are relatively small given the scale of the development. In consequence, they do not outweigh my findings in respect of the main issues.
26. The proposed development would not have an adverse effect upon flood risk or the historic environment. Whilst this is a matter of note, they are only some of the matters that must be considered. They therefore do not outweigh my previous concerns.
27. I have been referred to some other different developments elsewhere. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that they are located in different areas and therefore have different circumstances. In consequence, the effects arising from their siting differs and, in result, these do not offset my previous concerns.

Conclusion

28. The proposed development would not be located on a suitable site and would not provide appropriate living conditions for the future occupiers of the dwelling. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR